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## **Environmental Planning Strategies, Inc.**

### **10-Step Process for Reviewing NEPA Documents**

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#### **10-STEP SYSTEMATIC PROCESS WORKSHEET FOR REVIEW OF ENVIRONMENTAL IMPACT STATEMENTS/ENVIRONMENTAL ASSESSMENTS<sup>1</sup>**

**The National Environmental Policy Act makes it clear that NEPA documents must reflect quality analyses as the basis for Federal decisions that protect, restore, and enhance the environment:**

"NEPA procedures must ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA." (§1500.1(b))

"Statements shall be concise, clear, and to the point, and shall be supported by evidence that the agency has made the necessary environmental analyses" (§1502.1).

"An environmental impact statement is more than a disclosure document. It shall be used by Federal officials in conjunction with other relevant material to plan actions and make decisions" (§1501.2).

"Ultimately, of course, it is not better documents but better decisions that count. NEPA's purpose is not to generate paperwork - even excellent paperwork - but to foster excellent action. The NEPA process is intended to help public officials make decisions that are based on understanding of environmental consequences and take actions that protect, restore, and enhance the environment." (§1500.1(c))

**EPA has authority independent of NEPA, under Section 309 of the Clean Air Act, to review and comment in writing on the environmental impact of Federal agency actions documented in environmental impact statements, and must publish any determinations of Federal actions that are unsatisfactory from the standpoint of human health or welfare or environmental quality.**

**A Section 309 review of a NEPA document involves two key concerns:**

- 1. Is the analysis sufficient for understanding impacts, including a reasonable array of alternative and cumulative impacts, for making informed decisions?**
- 2. Are the environmental, social, and health impacts reduced sufficiently while meeting the need for action?**

**As you read a NEPA document, you not only read what is evident in the words and analyses, but you also read for:**

- Information or analyses that is missing and necessary for understanding each impact.
- Inconsistencies and contradictions in information, analyses, and conclusions in different parts of the document.
- Good faith efforts, even if the analyses themselves are less than perfect.
- Content, presentation, quality planning, and effective mitigation/pollution prevention or methodologies that should be recognized.
- Clues for the strategy and political agendas behind what is and is not disclosed.

**REMEMBER, you are NOT reviewing for structure, style, grammar, or other writing-related concerns. You review for the quality of the analysis and acceptability of impacts.**

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<sup>1</sup> Use with EPS, Inc. manual *NEPA Document Review Under Section 309 of the Clean Air Act*.

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**This process and worksheet helps you to:**

1. Systematically read a NEPA document and identify key information scattered throughout the document;
2. Compile the key information by category;
3. Conduct an analysis of this information by category;
4. Evaluate this information for adequacy of analysis and relative acceptability of impacts;
5. Develop an effective commenting strategy.

**You will need the following equipment and conditions to conduct an efficient review of a NEPA document:**

- |                          |   |
|--------------------------|---|
| • Quiet environment      | • No disturbances                           |
| • Comfortable chair      | • Quality light                             |
| • Pen                    | • Colored highlighter/pencils for text/maps |
| • This worksheet package | • Document flags/tabs                       |
| • Pad of paper           | • Computer if desired                       |

**This review process involves the following steps:**

**STEP 1:** Scan the Executive Summary.

**STEP 2:** Read the document and mark the locations of appropriate information by category in the margin directly next to the information on the page, using abbreviations in Step 2.

**STEP 3:** Compile the page numbers for each category, using the worksheet for Step 3.

**STEP 4:** Compile the key information for each category systematically, using the worksheets for Step 4.

**STEP 5:** Sketch cause-and-effect relationship flowcharts for each significant issue, using connected, cumulative, similar actions and baseline actions listed in Step 4, indicating how the actions are related to each impacted resource, with environmental pathways.

**STEP 6:** Prioritize the relative importance of each issue using the questions in Step 6, and associate each alternative, mitigation measure, and pollution prevention measure from the worksheets in Step 4 with the appropriate issue(s) sketched in Step 5.

**STEP 7:** Analyze the adequacy of the analysis for each category using the questions for Step 7, including identifying any additional alternatives, mitigation measures, and/or pollution prevention measures that could/should be considered.

**STEP 8:** Evaluate the context and severity of the environmental impacts for each impacted resource, using the questions in Step 8.

**STEP 9:** Evaluate the adequacy of analysis and acceptability of environmental impacts, using the questions in Step 9.

**STEP 10.** Prioritize concerns with adequacy of analysis and severity of impacts, and develop a strategy for comments, including rating the document if appropriate, using the process outlined in Step 10.

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#### **STEP 7: Analyze the adequacy of the analysis**

Using the compilation you just finished, do your own analysis of the information presented in the document. Think about your analysis using the following questions:

**Need for Action** (From: J. Lee. The Power of Purpose and Need in Quality NEPA Planning: Three Case Studies. *Federal Facilities Environmental Journal*, Autumn 1997, p. 77-92)

\_\_\_ Is the need stated in terms of the true underlying need for action or in terms of the proposed action?

\_\_\_ Does the document address more than one need for action (similar actions)?

\_\_\_ Is the underlying need(s) clearly articulated in terms of:

- Why?
- Why here?
- Why now?

\_\_\_ Is each need explained within the context of the agency mission?

\_\_\_ Are you convinced that there really is a need(s) based on the analysis presented?

\_\_\_ Is there additional information or analysis needed to fully articulate and support the need(s) for action? What is it?

\_\_\_ Is the need for action written so as to make the potential range of alternatives either too narrow or virtually limitless?

#### **Objectives**

\_\_\_ Does each stated need for action have its own associated measurable objective(s)?

\_\_\_ Are the objectives in terms of broad goals or are they measurable (quantitative)?

\_\_\_ Are the objectives measurable in terms of the proposal's requirements or selection or decision criteria?

#### **Baseline Information/No Action Alternative/Affected Environment**

\_\_\_ Does the "no action" alternative address the true baseline?

\_\_\_ If not, what should the true baseline be?

\_\_\_ Is the "no action" alternative described in terms of activities that have gone on in the past, are ongoing, and/or may happen in the future (reasonably foreseeable)?

\_\_\_ Is the "no action" alternative described only in terms of not being able to implement the proposed action?

\_\_\_ Is the "no action" alternative described clearly in detail and included as part of the analysis, or is it dismissed from evaluation because it does not meet the need?

\_\_\_ Does the "no action" alternative evaluate what actions others might take should the agency take no action?

\_\_\_ Does the "no action" alternative evaluate the legal and mission-related ramifications of taking no action?

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#### **Decisions to be Made**

- ☐ Are the decisions to be made, which define the scope of the analysis, consistent with the need for action?
- ☐ Are the decisions to be made clear in terms of all connected actions necessary to meet the need?
- ☐ Does the document even identify the decisions to be made and, if not, can they be figured out based on the array of alternatives and alternatives not considered in detail?
- ☐ Are there any similar actions included in the analysis and, if so, are they ripe for decisionmaking?
- ☐ Will any of the similar actions be included in another NEPA document, and if so, is this approach appropriate?
- ☐ Are any similar actions actually connected actions (part of the proposed action)?
- ☐ Is the consideration of the "no action" alternative included within the scope of decisions to be made, even if it cannot be legally selected?
- ☐ If the document is an environmental assessment, is the decision regarding significance of impacts clearly stated?
- ☐ If the document is an environmental assessment, do the decisions to be made include analysis of reasonable alternatives, if appropriate?
- ☐ What decisions are outside the scope of the decisions to be made?
- ☐ Has the agency made any predecisional decisions or taken any predecisional actions?
- ☐ What additional information is necessary to evaluate scope of decisions to be made?
- ☐ Are the roles of any Federal, state, or local agencies or Indian tribes clear in relationship to the decisions to be made and the analysis (jurisdiction by law and/or expertise)?
- ☐ What is the relationship of any other environmental documents to these decisions (programmatic documents and tiering)?
- ☐ What other environmental laws apply and how do their requirements for permits, consultation, and/or compliance apply to these decisions?
- ☐ Is the scope reasonable and logical, or too narrow or too broad?

#### **Issues (Cause-and-Effect Relationships)**

- ☐ Is each affected resource clearly evaluated in terms of action(s) causing a particular impact on that resource?
- ☐ Is each affected resource clearly and specifically identified in terms of the specific receptor, the timing of the concern, and the location of the concern? In other words, is the receptor identified as white-tailed deer on the specific winter range, rather than "big game"?
- ☐ Are action(s) causing an impact on a particular resource identified in terms of location and timing (site-specific)?

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\_\_\_\_ Are environmental pathways clearly identified for action(s) impacting a particular resource?

\_\_\_\_ Are appropriate limiting factors identified for each resource in each cause-and-effect relationship, as appropriate?

\_\_\_\_ Which affected resources have more than one past, present, and/or reasonably foreseeable future action creating its impact (cumulative impacts)?

\_\_\_\_ Are related direct, indirect, and/or cumulative impacts incorporated into the same cause-and-effect relationship, clearly delineating the relationships in location and timing, and through appropriate environmental pathways?

\_\_\_\_ Is the location and size of the analysis area for the cause-and-effect relationship for each issue appropriate?

\_\_\_\_ Of the actions in the cause-and-effect relationships having the highest contributions to overall impacts and/or highest context, which ones could be modified or eliminated to have the highest effect in substantially reducing impacts (Pareto principle)?

\_\_\_\_ What additional information is necessary for each cause-and-effect relationship to clarify the analysis?

\_\_\_\_ Is the analysis of a particular cause-and-effect relationship consistent throughout the document?

**Alternatives, Mitigation Measures, Pollution Prevention Measures**

\_\_\_\_ Are all the action alternatives in the array, including the proposed action, reasonable in terms of:

- Is the effectiveness of each alternative in meeting objectives evaluated?
- Does each alternative meet the objectives and fulfill the need for action to a large degree?
- Is each alternative technically and/or economically feasible?
- Does each alternative make sense?

\_\_\_\_ Is each alternative a real reasonable alternative, or a "dummy" alternative designed to fill out the array?

\_\_\_\_ Are all the reasonable alternatives described in the same level of detail as the proposed action?

\_\_\_\_ Is it clear what specific activities (connected actions) are included in each alternative considered in detail?

\_\_\_\_ In what ways is each alternative different?

\_\_\_\_ In what ways could any of the alternatives not considered in detail be modified to make them reasonable alternatives, if at all?

\_\_\_\_ Are there any other reasonable alternatives that should be considered in the array?

\_\_\_\_ What issue(s) does each alternative/mitigation/pollution prevention measure address? Is the association clear?

\_\_\_\_ Is each mitigation specific in terms of actions, timing, and accountability?

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\_\_\_\_ Are any pollution prevention measures identified and, if so, how do they relate to the issues?

\_\_\_\_ Are there any additional mitigation measures/pollution prevention measures that should be recommended for inclusion in the analysis?

**STEP 8: Evaluate the context and severity of the environmental impacts for each impacted resource**

Now review Chapter 4: Environmental Consequences, as well as the references to environmental impacts on the pages listed in Step 2, and evaluate the environmental impacts in terms of the following questions. Focus on the cause-and-effect relationships which you identified as making the greatest contribution to overall impacts and with the highest degree of "context".

\_\_\_\_ Is the analysis of the effect on the resource consistent with that identified in the associated cause-and-effect relationship?

\_\_\_\_ Are impacts evaluated in terms of "outputs" or "impacts"?

\_\_\_\_ Are impacts evaluated in subjective terms such as "minimal," "acceptable," or "significant"?

\_\_\_\_ Is the methodology chosen to evaluate each impact appropriate to the affected resource (quantitative or qualitative)?

\_\_\_\_ If a quantitative model is used, are the assumptions, data quality, and analysis process consistent with and appropriate for the impact/resource of concern?

\_\_\_\_ Are the impacts of the no action alternative evaluated in sufficient detail so as to provide a baseline for evaluating how the impacts would change with each action alternative?

\_\_\_\_ Are impacts evaluated in terms of:

- Change in and degree of direction of impact (increase or decrease)?
- Change in and degree of magnitude (how much of an increase or decrease)?
- Change in and degree of duration (how long will the impact last)?
- Critical timing of the impact in terms of the resource?

\_\_\_\_ Can the impacts of the no action and the action alternatives be easily compared and contrasted?

\_\_\_\_ Are the level of impacts for each alternative, especially the proposed action/preferred alternative, justified by the need for action?

\_\_\_\_ Is uncertainty regarding impacts and risks identified and evaluated appropriately?

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**STEP 9: Evaluate the adequacy of analysis and acceptability of impacts**

- (i) **Adequacy of Analysis** (From: C. Eccleston, *Federal Facilities Environmental Journal*, Summer 1995, pp. 37-50)

\_\_\_\_\_ Is the analytic information as presented in the NEPA document sufficiently complete and clearly presented to evaluate the acceptability of the environmental impacts?

\_\_\_\_\_ What additional detailed information or analysis, if any, would contribute substantially to the understanding of impacts?

\_\_\_\_\_ What additional detailed information or analysis, if any, would substantially influence the agency's decision?

\_\_\_\_\_ What additional detailed information or analysis, if any, would contribute substantially to your understanding or acceptance of the need for the proposal?

\_\_\_\_\_ What additional detailed information or analysis, if any, would identify additional actions that would substantially reduce or mitigate adverse impacts (pollution prevention measures, alternatives, mitigation)?

- (ii) **Acceptability of Impacts**

\_\_\_\_\_ Are the environmental impacts satisfactory or unsatisfactory from the standpoint of human health and welfare or the environment?

\_\_\_\_\_ Is the need for action sufficiently validated to justify any level of impacts at all, or the intensity of impacts?

\_\_\_\_\_ Do other reasonable means exist to meet the need for action with less severe impacts (other alternatives)?

\_\_\_\_\_ Can the proposal be modified to sufficiently reduce the severity of impacts while still meeting the need for action (mitigation measures, pollution prevention measures)?

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**STEP 10: Prioritize concerns with adequacy of analysis and severity of impacts, and develop a strategy for comments**

Not every problem with the analysis is equally important. Based on your evaluation, decide which problems deserve comment and the degree of comment, using the following process:

1. Identify the strong points of the analysis and the document, and "good faith" efforts.
2. Identify the weak points, and place them in order of priority, importance, and context.
3. Attempt to identify any agency strategies and political agendas that might account for the weak points.
4. Identify additional information needed for ensuring adequacy of analysis and evaluate its importance in terms of environmental impacts and the ultimate agency decision.
5. Identify new or modified alternatives, mitigation measures, and/or pollution prevention measures that could be recommended and evaluate their importance in terms of environmental impacts and ultimate agency decision.
6. Evaluate the adequacy of the analysis and the acceptability of the impacts. *Rating.*
7. Identify your comments in order of priority, and ensure that each comment is based on the document, with rationale.
8. Present your comments in a manner that is easily used by the document preparer and are logically organized.